

**NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT**

**U.S. District Court for the District of Delaware**

**CIRCUIT COURT  
DOCKET NUMBER: \_\_\_\_\_**

**FULL CAPTION IN DISTRICT COURT AS FOLLOWS:**

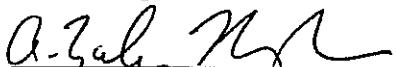
IN RE MBNA CORPORATION DERIVATIVE  
AND CLASS LITIGATION

**DISTRICT COURT  
DOCKET NUMBER:  
1:05-cv- 00327 GMS (Lead Case)**

**DISTRICT COURT JUDGE:  
Gregory M. Sleet**

NOTICE IS HEREBY GIVEN that plaintiffs Lemon Bay Partners, Donald Benoit and Malcolm Rosenwald do hereby appeal to the United States Court of Appeals for the Third Circuit from the Order dated June 26, 2007 granting defendants' motion to dismiss (Docket No. 75), and the Order dated March 27, 2008 denying the plaintiffs' motion for reconsideration (Docket No. 81). True and correct copies of these orders are attached to this Notice as Exhibits A and B.

DATE: April 21, 2008



Pamela S. Tikellis (#2172)  
Robert J. Kriner (#2546)  
A. Zachary Naylor (#4439)  
Chimicles & Tikellis LLP  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899  
302-656-2500 (telephone)

*Liaison Counsel for Plaintiffs*

Additional counsel for Plaintiffs listed on the  
attached sheet

Edward Welch  
Edward Micheletti  
Skadden, Arps, Slate, Meagher & Flom  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 19899  
(302) 651-3000  
*Attorneys for the Outside Director Defendants*

Richard H. Morse  
Young Conaway Stargatt & Taylor LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899  
(302) 571-6600  
*Attorneys for Defendants MBNA Corporation,  
Bank of America Corporation, Bruce Hammonds,  
Kenneth Vecchione, Richard Struthers, John  
Cochran, III, Lance Weaver, Charles Krulak,  
Michael Rhodes, John Scheflen, Randolph Lerner  
and Kenneth Lewis*

Additional counsel for Defendants on the attached  
sheet.

**LIST OF ADDITIONAL COUNSEL**  
**Case No. 1:05-cv-00327 GMS**

Jeffrey P. Fink  
Julia Williams  
Robbins Umeda & Fink, LLP  
610 West Ash Street, Suite 1800  
San Diego, CA 92101

*Co-Lead Counsel for Plaintiffs*

Laurence D. Paskowitz  
Paskowitz & Associates  
60 East 42nd Street, 46th Floor  
New York, NY 10165

*Co-Lead Counsel for Plaintiffs*

Jay B. Kasner  
Susan L. Salzstein  
Skadden, Arps, Slate, Meagher & Flom  
4 Times Square  
New York, NY 10036

*Counsel for the Outside Director Defendants*

Richard J. Urowsky  
Richard C. Pepperman, II  
Stacey R. Friedman  
Ryan C. Williams  
M. David Possick  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004

*Counsel for MBNA Corporation, Bank of America Corporation, Bruce Hammonds, Kenneth Vecchione, Richard Struthers, John Cochran, III, Lance Weaver, Charles Krulak, Michael Rhodes, John Scheflen, Randolph Lerner and Kenneth Lewis*